



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)

Mark DeRaud and Adam Gambel)

Application No.: 09/954,491)

Filing Date: 11 September 2001)

For: **A METHOD OF CONFIGURING A
SLICE OF PIZZA-TYPE PIE AND
AN APPARATUS FOR PREPARING
A PIZZA TYPE PIE**)

Group Art Unit: 1761

Examiner: Tran Lien, Thuy

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being mailed to the Patent and Trademark Office on this date December 2, 2004 addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By: [Signature]
Ten Nelmark

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware pursuant to their duty of disclosure in accordance with 37 C.F.R. § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491. 37 C.F.R. § 1.97(b)(1) and (2).
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits. 37 C.F.R. § 1.97(b)(3).
- (d) ☒ as far as is known to the undersigned, is filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. 37 C.F.R. § 1.97(b)(4).
- (e) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of any of a final rejection, a notice of allowance, or an action that otherwise closes prosecution in the application, whichever

occurs first, and is accompanied by either the fee set forth in 37 C.F.R. § 1.17(p) or a certification as specified in 37 C.F.R. § 1.97(e), as checked below. 37 C.F.R. § 1.97(c).

- (f) ☐ is filed after the mailing date of any of a final rejection, a notice of allowance, or an action that otherwise closes prosecution in the application, whichever occurs first, and is accompanied by the fee set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. 37 C.F.R. § 1.97(d). **This document is to be considered as a petition requesting consideration of the information disclosure statement.**

[If either of boxes (e) or (f) are checked above, the following "certification" under 37 C.F.R. § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith:

☒ each ☐ none ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO form 1449 are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. _____ filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☒ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s) [Required]
- ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

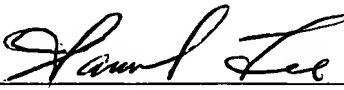
Pursuant to 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made. Furthermore, pursuant to 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in this statement is, or is considered to be, material to patentability, as defined in 1.56(b). The filing of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references. Although applicants do not believe that a fee is necessitated by this communication, the Assistant Commissioner of Patents is authorized to charge any deficiencies or credits to Deposit Account No. 04-0822.

Respectfully submitted,

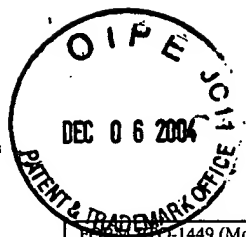
DERGOSITS & NOAH LLP

Dated: December 2, 2004

By: 
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| FORM PTO-1449 (Modified) (Rev. 7-80) | | U.S. Dept. of Commerce Patent and Trademark Office | | Atty. Docket No: 512.02 | | Appl. No: 09/954,491 | |
| LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) | | | | Applicant: DeRaud et al. | | | |
| | | | | Filing Date: September 11, 2001 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| Examiner Initials | | Document Number | Date | Name | Class | Subclass | Filing Date |
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| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | | Bruce Upbin, "Beyond Burgers," Forbes Magazine, November 1, 1999. | | | | | |
| | | Bruce Horovitz, "What's next: Fast-food giants hunt for new products to tempt consumers," USA Today, pg. A 01, July 3, 2002 | | | | | |
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| Examiner | | | | Date Considered | | | |
| * Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |